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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/487,274

01/19/2000

Kristinn R. Rzepkowski

104425

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7590

04/24/2003

Oliff & Berridge PLC
P O Box 19928
Alexandria, VA 22320

EXAMINER

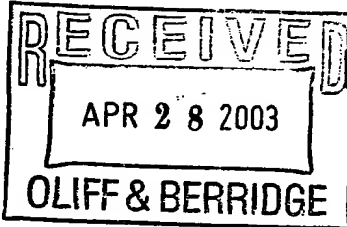
BAUTISTA, XIOMARA L

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 04/24/2003



REJECTION

Please find below and/or attached an Office communication concerning this application or proceeding.

DUE DATE

JUL 24 2003

DOCKETED
By MPX on 4/28 2003
and
By mlw on 4/28 2003
Oliff & Berridge

Office Action Summary

Application No.

09/487,274

Applicant(s)

RZEPKOWSKI ET AL.

Examiner

X L Bautista

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4-14, 16-18, 20-30, and 32-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Barrett (US 5,260,805).

Claims 1 and 17:

Barrett discloses an image capture control system having a controller that provides control parameters; the device is able to capture an image from an original document that provides an original image based on the provided parameters; a display device; and a graphical user interface including a preview pane portion that visually indicates features of a resulting captured image that will result upon generating a captured image without the device capturing the captured image (abstract; col. 8, lines 12-38; fig. 12).

Claims 2, 4, 18, and 20:

See claim 1. Barrett teaches a crop selection control (fig. 7, 152-2). Fig. 11 displays a conflict message 247 advising the user to decrease the % or crop the document (col. 8, lines 41-43); to remove the conflict, the operator decides to crop the document by selecting Crop 250 (fig. 7); this displays a document window 252 having a document image 253. Images can be cropped by actuating icons 258, 260, 262, 264 (fig. 15; col. 9, lines 15-43).

Claims 5, 21, 34, 36, and 38:

See claim 2. Barrett teaches a selection portion usable to define dimensions of a document (fig. 12, window 245). The user can crop the document by selecting crop icons 258, 260, 262, and 264 (col. 8, lines 33-43; col. 9, lines 15-43).

Claims 6, 22, 35, 37, and 39:

See claim 5. Barrett teaches a selection portion that is used to change the dimensions of the crop control (fig. 15; col. 9, lines 36-42).

Claims 7, 12, 13, 23, 28, and 29:

See claim 5. Barrett teaches a scale selection control (system image size 245) that indicates the selected dimensions and a preview pane portion 240 that visually indicates the scaled document image 200. Print window 240 shows a scale-to-portion that defines scale-to-parameter factors defining a relationship between dimensions of the captured image and dimensions of a selected portion of the image (fig. 12, 200, 240, 242, 244).

Claims 8 and 24:

See claim 6. Barrett teaches that the dimensions of the crop selection control are

alterable and altering the dimensions of the crop selection control (fig. 15, 259, 261, 263, 265) causes the dimensions of the scale selection control to be altered (fig. 15, 200, 240; col. 9, lines 52-60).

Claims 9, 11, 25, and 27:

See claim 8. Barrett teaches a preview pane portion having a scale selection control that visually indicates scaled dimensions of the captured image (fig. 15, 200, 240, 245).

Claims 10 and 26:

See claims 7 and 9. Barrett teaches that whenever the document is cropped the size of the document also changes (linked) and both changes are displayed (col. 9, lines 52-60; fig. 15, windows 240 and 252).

Claims 14, 16, 30, 32, and 33:

See claim 1. Barrett teaches a document image 200 that shows the size and orientation of the captured image relative to an original image (fig. 12, 200, 240, 242, 244).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Barrett in view of Arney et al (US 6,298,172 B1).

Claims 3 and 19:

Barrett does not teach a framed portion of the original image. However, Arney discloses a method for performing image-acquisition with preview of image (abstract; col. 1, lines 10-14; col. 2, lines 13-34). A preview display screen 10 is provided so the user can determine whether the workpiece is positioned in the desired orientation, shifts upon closing the cover 56 (col. 4, lines 46-49, 57-59), for anticipating output related to the selection of control features, for example, brightness, contrast, or focus control (col. 5, lines 18-21). The preview display screen 10 instructs the user that the workpiece is not properly oriented, and frame-image 14 instructs that the paper's orientation should be changed (col. 7, lines 34-46). In figs. 2D and 2E, the platen-select area P is reduced as compared with the situation reflected by figs. 2A-2C; the frame-image 14 has been reduced to correspond to the smaller platen-select area. The display screen (figs. 2D and 2E) 10 instructs the user that edge portions 65a, 65b, 65c (fig. 2D), and edge portions 66a, 66b, 66c, and 66d (fig. 2E) (shown with cross-hatching) will not be situated within the platen-select area and will not be copied to the article 80 (col. 7, lines 54-66).

Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Barrett to include Arney's framed portion because the user can see the position of the document, and change the orientation if necessary prior to operating the device.

6. **Claims 15 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Barrett in view of *Pavley et al* (US 6,317,141 B1).

Claims 15 and 31:

Barrett teaches an image quality icon (fig. 7; fig. 15) but does not teach a preview pane portion having an image quality profile mimic that visually indicates a currently selected image quality profile to be used when generating the captured image from the original image. However, Pavley discloses a method for editing media objects in a digital imaging device including icons that are used to indicate a media type (abstract; col. 6, lines 50-55). Pavley teaches a review mode screen having object cells 300 that represent media objects; each object cell includes an image area 304 and an icon/information 306 that displays one or more graphical icons indicating to the user what media type is associated with the media object displayed in the image area (col. 7, lines 38-67; col. 8, lines 1-6; figs. 4A, 6-8). Thus, it would have been obvious to one having ordinary skill in the art at the time of invention to include Pavley's thumbnails in Barrett's preview display screen because they provide information at a glance and graphically indicate a selection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on M-Th (8:00-18:00) Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

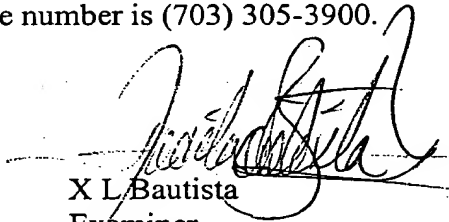
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supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



X L Bautista
Examiner
Art Unit 2173

xlb
April 23, 2003